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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,204	12/21/2000	Michael Wilson	003801.P009	1071

7590 07/16/2003

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EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application <u>09/747204</u>	Applicant(s) <u>Wilson</u>	
	Examiner <u>Alex G</u>	Art Unit <u>3648</u>	Confirmation No.

- The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address -

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- ☒ Responsive to communication(s) filed on 5/5/03
- ☒ This action is **FINAL**. ☐ This action is non-final.
- ☐ Since this application is in condition for allowance except for the formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

- ☒ Claim(s) 1-52 is/are pending in this application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-52 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved or ☐ disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are ☐ accepted or ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d) or (f).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \*Certified copies not received:

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- ☐ The translation of the foreign language provisional application has been received.
- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is issued in response to applicant's Amendment A(Paper #8) filed 5/5/03.
2. Claims 20-21 were amended. No new claims were added. None were deleted.
3. Claims 1-52 as amended, are pending.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-52 are rejected under 35 USC 103(a) as unpatentable over Mori(US Pat. No: 6,044,363) in view of Dinwoodie(US Pat. No: 6,415,269) and further in view of Friedland(US Pat. No: 6,449,601).
6. As per claims 1-52 Mori teaches a method of communicating information within an auction for a note pertaining to a selected aspect of an auction(Abstract)(Figs 4-7)(col 2 line 6- col 3 line 15) and where a selected aspect comprises an item offered by the auction(Fig 2/11) and with associating the note with multiple aspects of the auction(Fig 3)(Fig 7) and a menu of the predetermined note types for user selection(Fig 9) as well as displaying a graphic icon adjacent to the text(Fig 3/219) and an auction expiration time(Fig 12/916).Mori teaches displaying a

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note(Fig 3/216)(Fig 6/512)(col 3 lines 28-52). Dinwoodie teaches a network based auction(Abstract)(Fig 1) as well as the selected method comprising a user of the networked based auction(Fig 2/40) as well as when the administrator is prompted to display the selected aspect of the online auction(Fig 3) and the interface prompts for a user identifier(Fig 2/48/54/50). Friedland teaches the calling of note functions from any one of a selected aspect of the on line auction(Fig 1) as well as an item identifier(Fig 7)(Fig 10/1010).Friedland further teaches a user note creation function(Fig 9/250/924)(Fig 11/1106)(Fig 22/2212)(col 13 line 63-col 15 line 37)(col 20 line 50-col 21 line 17). It would have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Dinwoodie to teach part of the above.The motivation to combine is to teach an interactive auction system to permit remote bidders to participate in a networked based auction process as enunciated by Dinwoodie(col 2 lines 14-29). It would also have been obvious to one skilled in the art at the time of the invention to combine Mori in view of Dinwoodie and further in view of Friedland to teach all of the above.The motivation to combine is to teach an interactive real time, live auction conducted by a live auctioneer over the Internet to said remote bidders as enunciated by Friedland(col 2 line 65-col 3 line 2).

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***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-52 are further rejected under 35 USC 112(2nd) for failing to distinctly and precisely claim what applicant regards is the invention.

***Response to Arguments***

9 Applicant's arguments filed 5/5/03 have been fully considered but they are not persuasive. Mori teaches displaying a note(Fig 3/216)(Fig 6/512)(col 3 lines 28-52). Friedland further teaches a user note creation function(Fig 9/250/924)(Fig 11/1106)(Fig 22/2212)(col 13 line 63-col 15 line 37)(col 20 line 50-col 21 line 17). Applicant's arguments are settled.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

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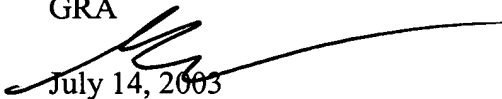
will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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11. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

  
July 14, 2003

DR. GEOFFREY R. AKERS, P.E.  
PRIMARY EXAMINER